

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**In Re: Methyl Tertiary Butyl Ether (“MTBE”)  
Products Liability Litigation**

**This document relates to:**

***Orange County Water District v. Unocal Corp.,  
et al., Case No. 04 Civ. 4968 (VSB)***

**Master File No. 1:00-1898 (VSB)**

**MDL 1358**

**VALERO DEFENDANTS’ NOTICE OF MOTION AND  
JOINDER IN MOTION TO DISMISS FOR LACK OF PROSECUTION**

TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants Ultramar, Inc., Valero Refining Company-California, and Valero Marketing and Supply Company (collectively, “Valero Defendants”) hereby join Defendant Southern Counties Oil Co.’s (“Southern Counties”) motion to dismiss for lack of prosecution. S.D.N.Y. Dkt. No. 520. The Valero Defendants move to dismiss all claims asserted against them by Plaintiff Orange County Water District (“OCWD”) with prejudice pursuant to Federal Rule of Civil Procedure 41(b).

This Motion is based on this Notice of Motion and Joinder in Motion to Dismiss, the concurrently filed Memorandum and Declaration of Erika Anderson, any oral argument the Court may entertain, and upon the pleadings and papers on file with the Court.

Dated: March 3, 2022

Respectfully submitted,

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*Admitted pro hac vice*

**Attorneys for Ultramar, Inc., Valero Refining  
Company-California, and Valero Marketing and  
Supply Company**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Valero Defendants' Notice of Motion and Joinder in Motion to Dismiss for Lack of Prosecution was served upon counsel for MDL, Plaintiff, and to all other counsel of record via CM/ECF on the 3<sup>rd</sup> day of March, 2022.

/s/ Erika M. Anderson